

**ATTORNEY'S DOCKET NUMBER: 2006517-0010 (Bacterial Delivery DIV2)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Caplan	Examiner:	Huynh, Phuong N.
Serial No.:	10/728,323	Art Unit:	1644
Filing Date:	December 4, 2003	Conf. No.:	8163
Title:	MICROBIAL DELIVERY SYSTEM		

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

**NOTICE OF APPEAL TO BOARD UNDER 37 C.F.R. § 41.31**

Applicant hereby appeals the rejection of all pending claims in the above-referenced application. These claims have been twice rejected as required under 37 C.F.R. § 41.31(a)(1). The current rejection of these claims in the above-referenced case was mailed January 9, 2009. Applicant submits herewith a Petition for a three (3) month extension of time from April 9, 2009, up to and including July 9, 2009. Accordingly, Applicant respectfully submits that the present Notice of Appeal is timely submitted on Thursday, July 9, 2009.

The extension fee of \$555.00 under 37 C.F.R. § 1.17(a) for a small entity and the Appeal fee of \$270.00 are being paid via the U.S. Patent and Trademark Office's Electronic Filing System's credit card payment option.

Respectfully submitted,

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